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**Statement at the 862nd meeting of the Permanent Council
May 19, 2011**

ENGLISH only

In response to the statements by EU and USA

Mr. Chairman,

We took note of the statements made by the distinguished delegations of Hungary, in the name of the European Union and of the United States of America. The texts of the statements will be duly submitted to our authorities.

According to the information of the General Prosecutor's Office of the Republic of Azerbaijan, on February 05, 2001 as a result of the operation by the officers of the criminal-investigative division of Sumgayit city police department during the personal search opium was found in the pocket of the coat of Jabbar Savalanli. On February 07 Mr. Savalanli was arrested in accordance with the decision of the Sumgayit city Court on charges of illegal purchase or storage without purpose of selling of narcotic or psychotropic substances in a quantity (amount) exceeding necessary for personal consumption (article 234.1 of the Criminal Code of the Republic of Azerbaijan). On May 04, 2011 Sumgayit city Court sentenced Jabbar Savalanli to 2.6 years of imprisonment in accordance with the mentioned article of the Criminal Code.

Bakhtiyar Hajiyev, a person liable for call-up evaded from the draft without any lawful grounds and on November 19, 2010 did not show up at the Nizami district military commissariat of city of Ganja. On January 24, 2011 the Prosecutor's Office of the city of Ganja launched a criminal investigation in accordance with the article 321.1 (evasion without any lawful grounds from the draft) of the Criminal Code of the Republic of Azerbaijan. For violating conditions of preventive punishment, on March 4, 2011 Mr. Hajiyev was subject to arrest. On March 22, 2011 the investigation on this criminal case was finalized and sent to the Court of the city of Ganja. Court investigation on the case finished on May 10. On May 18, 2011 Ganja city court sentenced Bakhtiyar Hajiyev to 2 years of imprisonment.

Both convicted persons have the right to appeal the court decisions.

In both cases, we'd like to call our partners to avoid casting any doubts on investigative proceedings and not to politicize them. Trial proceedings have been conducted in accordance with the legal procedures envisaged by the Constitution and Criminal-Procedural Code of the Republic of Azerbaijan, as well as guaranteeing the right to independent and fair trial as enshrined in the European Convention for Human Rights and Fundamental Freedoms.

The conference organized jointly by the OSCE Office in Baku and Azerbaijani Press Council last week, which was also attended by Ms. Dunja Mijatovic, the OSCE Representative for Freedom of Media, created another opportunity for fruitful discussions on decriminalization of defamation among the representatives of government, parliament, civil society and the media. As highlighted in the press-releases within the framework of her visit Ms.Mijatovic had high-level bilateral meetings, including with the President and Minister of Foreign Affairs of the country.

As previously stated by our Delegation, in the last years, the issue of decriminalization of defamation has been high on the agenda and wide public debates have been held on the possibility of removal of Articles 147 and 148 on defamation and insult from the Criminal Code and the adoption of the Law on defamation. While awaiting for final decision by the Parliament of the country, we hope that the adoption of the Law on defamation will further help media representatives to carry out their professional duties even more responsibly.

Thank you, Mr. Chairman.